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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11
12 Case No. 2011-774

13 In the Matter of the Accusation Against:

14 **KRISTY JEAN BENNETT**
8022 Linda Vista Road, Apt. 21
San Diego, CA 92111

A C C U S A T I O N

15 **Registered Nurse License No. 530047**

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about February 25, 1997, the Board of Registered Nursing issued Registered
25 Nurse License Number 530047 to Kristy Jean Bennett (Respondent). The Registered Nurse
26 License was in full force and effect at all times relevant to the charges brought herein and expired
27 on September 30, 2010, and has not been renewed.

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4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

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The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

• • • •

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

• • •

1 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
2 unintelligible entries in any hospital, patient, or other record pertaining to the
3 substances described in subdivision (a) of this section."

4 REGULATORY PROVISIONS

5 9. Title 16, California Code of Regulations, section 1442, provides:

6 As used in Section 2761 of the code, "gross negligence" includes an extreme
7 departure from the standard of care which, under similar circumstances, would
8 have ordinarily been exercised by a competent registered nurse. Such an extreme
9 departure means the repeated failure to provide nursing care as required or failure
10 to provide care or to exercise ordinary precaution in a single situation which the
11 nurse knew, or should have known, could have jeopardized the client's health or
12 life.

13 COST RECOVERY

14 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licentiate found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 DRUGS

19 11. Ambien, a brand name for zolpidem tartrate, is a Schedule IV controlled substance as
20 designated by Health and Safety Code section 11057(d)(32), and is a dangerous drug pursuant to
21 Business & Professions Code section 4022.

22 12. Ativan, the brand name for lorazepam, is a Schedule IV controlled substance as
23 designated by Health and Safety Code section 11057(d)(16), and is a dangerous drug pursuant to
24 Business and Professions Code section 4022. Ativan is used in the treatment of anxiety disorders
25 and for short-term (up to 4 months) relief of the symptoms of anxiety.

26 13. Dilaudid, a brand name for hydromorphone, is a Schedule II controlled substance as
27 designated by Health and Safety Code Section 11055(b)(1)(K) and is a dangerous drug pursuant
28 to Business and Professions Code section 4022. Dilaudid is a narcotic analgesic prescribed for
the relief of moderate to severe pain.

1 14. Morphine, is a Schedule II controlled substance as designated by Health and Safety.
2 Code section 11055(b)(1)(M), and is a dangerous drug pursuant to Business and Professions Code
3 section 4022.

4 15. Norco, a brand name for hydrocodone with acetaminophen, is a dangerous drug
5 pursuant to section 4022, and a Schedule II controlled substance as designated by Health and
6 Safety Code section 11055(b)(1)(J).

7 16. Percocet, a brand name for acetaminophen/hydrocodone, is Schedule II controlled
8 substance as designated by Health and Safety Code section 11055(b)(1)(J), and is a dangerous
9 drug pursuant to Business & Professions Code section 4022. Percocet is a combination of a
10 narcotic and an analgesic/antipyretic used to treat moderate to moderately severe pain.

11 17. Xanax, a brand name for alprazolam, is a Schedule IV controlled substance as
12 designated by Health and Safety Code section 11057(d)(1), and is a dangerous drug pursuant to
13 Business and Professions Code section 4022. Alprazolam tablets are indicated for the
14 management of anxiety disorder or the short-term relief of symptoms of anxiety.

15 **FACTUAL ALLEGATIONS**

16 18. Respondent was employed as a registered nurse at Sharp Memorial Hospital in San
17 Diego, California from August 18, 2008 through December 9, 2009. On or about December 2,
18 2009, the Lead Charge RN at Sharp Memorial Hospital was informed by two of Respondent's
19 patients that they had not received medication. The first patient informed the Lead Charge RN
20 that she did not receive Morphine and that she could not take Morphine. The second patient
21 informed the Lead Charge RN that he had not received any pain medication from Respondent and
22 that he was not in pain. Thereafter, an internal audit and investigation ensued. The investigation
23 revealed that between the dates of October 23, 2009 and December 2, 2009, the following
24 discrepancies were attributed to Respondent:

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1 19. Patient A

2 a. On October 23, 2009 at 1714 hours, Respondent removed 2 tablets of Norco
3 5/325 mg from the Pyxis¹ for this patient. Respondent charted administration of 1 tablet of Norco
4 5/325 mg on the patient's Medication Administration Record (MAR) at 1700 hours. However,
5 Respondent failed to document administration or wastage for the remaining 1 tablet of Norco
6 5/325 mg. Therefore, 1 tablet of Norco 5/325 mg is unaccounted for.

7 b. On October 23, 2009 at 1834 hours, Respondent removed 2 tablets of Percocet
8 5/325 mg from the Pyxis for this patient. Respondent charted administration of 1 tablet of
9 Percocet 5/325 mg on the patient's MAR at 1821 hours. However, Respondent failed to
10 document administration or wastage of the remaining 1 tablet of Percocet 5/325 mg. Therefore, 1
11 tablet of Percocet 5/325 mg is unaccounted for.

12 20. Patient B

13 a. On November 1, 2009 at 0749 hours, Respondent removed 2 tablets of Norco
14 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
15 medication withdrawn by Respondent was administered to the patient. There is no record of
16 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
17 are unaccounted for.

18 b. On November 1, 2009 at 1421 hours, Respondent removed 2 tablets of Percocet
19 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
20 medication withdrawn by Respondent was administered to the patient. There is no record of
21 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Percocet 5/325 mg
22 are unaccounted for.

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24 ¹ Pyxis is a trade name for the automatic single-unit dose medication dispensing system
25 that records information such as patient name, physician orders, date and time medication was
26 withdrawn, and the name of the licensed individual who withdrew and administered the
27 medication. Each user/operator is given a user identification code to operate the control panel.
28 Sometimes only portions of the withdrawn narcotics are given to the patient. The portions not
given to the patient are referred to as "wastage." This waste must be witnessed by another
authorized user and is also recorded by the Pyxis machine.

1 c. On November 1, 2009 at 1422 hours, Respondent removed 1 tablet of Ambien
2 5 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
3 medication withdrawn by Respondent was administered to the patient. There is no record of
4 wastage for the medication withdrawn by Respondent. Therefore, 1 tablet of Ambien 5 mg is
5 unaccounted for.

6 21. Patient C

7 a. On October 27, 2009 at 0751 hours, Respondent removed 2 tablets of Norco
8 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
9 medication withdrawn by Respondent was administered to the patient. There is no record of
10 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
11 are unaccounted for.

12 b. On October 28, 2009 at 1315 hours, Respondent removed 2 tablets of Norco
13 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
14 medication withdrawn by Respondent was administered to the patient. There is no record of
15 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
16 are unaccounted for.

17 c. On October 28, 2009 at 1914 hours, Respondent removed 2 tablets of Percocet
18 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
19 medication withdrawn by Respondent was administered to the patient. There is no record of
20 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Percocet 5/325 mg
21 are unaccounted for.

22 22. Patient D

23 a. On October 20, 2009 at 0838 hours, Respondent removed 2 tablets of Norco
24 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
25 medication withdrawn by Respondent was administered to the patient. There is no record of
26 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
27 are unaccounted for.
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1 b. On October 20, 2009 at 1011 hours, Respondent removed 2 tablets of Percocet
2 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
3 medication withdrawn by Respondent was administered to the patient. There is no record of
4 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Percocet 5/325 mg
5 are unaccounted for.

6 c. On October 20, 2009 at 1213 hours, Respondent removed 2 tablets of Norco
7 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
8 medication withdrawn by Respondent was administered to the patient. There is no record of
9 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
10 are unaccounted for.

11 d. On October 20, 2009 at 1512 hours, Respondent removed 2 tablets of Percocet
12 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
13 medication withdrawn by Respondent was administered to the patient. There is no record of
14 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Percocet 5/325 mg
15 are unaccounted for.

16 23. Patient E

17 a. On October 23, 2009 at 0900 hours, Respondent removed 2 tablets of Norco
18 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
19 medication withdrawn by Respondent was administered to the patient. There is no record of
20 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
21 are unaccounted for.

22 b. On October 23, 2009 at 1354 hours, Respondent removed 2 tablets of Norco
23 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
24 medication withdrawn by Respondent was administered to the patient. There is no record of
25 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
26 are unaccounted for.

1 24. Patient F

2 a. On October 23, 2009 at 0748 hours, Respondent removed 1 tablet of Percocet
3 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
4 medication withdrawn by Respondent was administered to the patient. There is no record of
5 wastage for the medication withdrawn by Respondent. Therefore, 1 tablet of Percocet 5/325 mg
6 is unaccounted for.

7 b. On October 23, 2009 at 1214 hours, Respondent removed 2 tablets of Ambien
8 5 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
9 medication withdrawn by Respondent was administered to the patient. There is no record of
10 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Ambien 5 mg are
11 unaccounted for.

12 c. On October 23, 2009 at 1337 hours, Respondent removed 1 tablet of Percocet
13 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
14 medication withdrawn by Respondent was administered to the patient. There is no record of
15 wastage for the medication withdrawn by Respondent. Therefore, 1 tablet of Percocet 5/325 mg
16 is unaccounted for.

17 25. Patient G

18 a. On October 27, 2009 at 0929 hours, Respondent removed 2 tablets of Norco
19 10/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
20 medication withdrawn by Respondent was administered to the patient. There is no record of
21 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 10/325 mg
22 are unaccounted for.

23 b. On October 27, 2009 at 1336 hours, Respondent removed 2 tablets of Norco
24 10/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
25 medication withdrawn by Respondent was administered to the patient. There is no record of
26 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 10/325 mg
27 are unaccounted for.

1 c. On October 28, 2009 at 0900 hours, Respondent removed 1 tablet of Xanax
2 .25 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
3 medication withdrawn by Respondent was administered to the patient. There is no record of
4 wastage for the medication withdrawn by Respondent. Therefore, 1 tablet of Xanax .25 is
5 unaccounted for.

6 d. On October 28, 2009 at 1225 hours, Respondent removed 2 tablets of Norco
7 10/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
8 medication withdrawn by Respondent was administered to the patient. There is no record of
9 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 10/325 mg
10 are unaccounted for.

11 26. Patient H

12 a. On November 4, 2009 at 0749 hours, Respondent removed 2 tablets of Norco
13 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
14 medication withdrawn by Respondent was administered to the patient. There is no record of
15 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
16 are unaccounted for.

17 27. Patient I

18 a. On November 12, 2009 at 0802 hours, Respondent removed 2 tablets of Norco
19 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
20 medication withdrawn by Respondent was administered to the patient. There is no record of
21 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
22 are unaccounted for.

23 b. On November 12, 2009 at 1136 hours, Respondent removed 2 tablets of Norco
24 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
25 medication withdrawn by Respondent was administered to the patient. There is no record of
26 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
27 are unaccounted for.

1 c. On November 12, 2009 at 1517 hours, Respondent removed 2 tablets of Norco
2 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
3 medication withdrawn by Respondent was administered to the patient. There is no record of
4 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
5 are unaccounted for.

6 28. Patient J

7 a. On November 18, 2009 at 0743 hours, Respondent removed 2 tablets of
8 Percocet 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR
9 that the medication withdrawn by Respondent was administered to the patient. There is no record
10 of wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Percocet 5/325
11 mg are unaccounted for.

12 b. On November 18, 2009 at 0843 hours, Respondent removed 1 tablet of
13 Ativan 1 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
14 medication withdrawn by Respondent was administered to the patient. There is no record of
15 wastage for the medication withdrawn by Respondent. Therefore, 1 tablet of Ativan 1 mg is
16 unaccounted for.

17 c. On November 18, 2009 at 1013 hours, Respondent removed 1 tablet of
18 Dilaudid 2 mg from the Pyxis for this patient. There is no indication in the patient's MAR that
19 the medication withdrawn by Respondent was administered to the patient. There is no record of
20 wastage for the medication withdrawn by Respondent. Therefore, 1 tablet of Dilaudid 1 mg is
21 unaccounted for.

22 d. On November 18, 2009 at 1103 hours, Respondent removed 2 tablets of
23 Norcot 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that
24 the medication withdrawn by Respondent was administered to the patient. There is no record of
25 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
26 are unaccounted for.

27 e. On November 18, 2009 at 1155 hours, Respondent removed 2 tablets of
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1 Percocet 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR
2 that the medication withdrawn by Respondent was administered to the patient. There is no record
3 of wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Percocet 5/325
4 mg are unaccounted for.

5 f. On November 18, 2009 at 1401 hours, Respondent removed 1 tablet of
6 Ativan 1 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
7 medication withdrawn by Respondent was administered to the patient. There is no record of
8 wastage for the medication withdrawn by Respondent. Therefore, 1 tablet of Ativan 1 mg is
9 unaccounted for.

10 g. On November 18, 2009 at 1556 hours, Respondent removed 1 tablet of
11 Dilaudid 2 mg from the Pyxis for this patient. There is no indication in the patient's MAR that
12 the medication withdrawn by Respondent was administered to the patient. There is no record of
13 wastage for the medication withdrawn by Respondent. Therefore, 1 tablet of Dilaudid 2 mg is
14 unaccounted for.

15 29. Patient K

16 a. On November 14, 2009 at 1408 hours, Respondent removed 2 tablets of Norco
17 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
18 medication withdrawn by Respondent was administered to the patient. There is no record of
19 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
20 are unaccounted for.

21 b. On November 15, 2009 at 0753 hours, Respondent removed 2 tablets of Norco
22 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
23 medication withdrawn by Respondent was administered to the patient. There is no record of
24 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
25 are unaccounted for.

26 c. On November 15, 2009 at 1200 hours, Respondent removed 4 mg of Morphine
27 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
28 medication withdrawn by Respondent was administered to the patient. There is no record of

1 wastage for the medication withdrawn by Respondent. Therefore, 4 mg of Morphine (Inj) are
2 unaccounted for.

3 d. On November 15, 2009 at 1429 hours, Respondent removed 2 tablets of Norco
4 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
5 medication withdrawn by Respondent was administered to the patient. There is no record of
6 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
7 are unaccounted for.

8 e. On November 15, 2009 at 1727 hours, Respondent removed 4 mg of Morphine
9 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
10 medication withdrawn by Respondent was administered to the patient. There is no record of
11 wastage for the medication withdrawn by Respondent. Therefore, 4 mg of Morphine (Inj) are
12 unaccounted for.

13 f. On November 15, 2009 at 1813 hours, Respondent removed 2 mg of Ativan
14 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
15 medication withdrawn by Respondent was administered to the patient. There is no record of
16 wastage for the medication withdrawn by Respondent. Therefore, 2 mg of Ativan (Inj) are
17 unaccounted for.

18 g. On November 15, 2009 at 1858 hours, Respondent removed 2 tablets of Norco
19 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
20 medication withdrawn by Respondent was administered to the patient. There is no record of
21 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
22 are unaccounted for.

23 30. Patient L

24 a. On November 18, 2009 at 1155 hours, Respondent removed 2 mg Ativan (Inj)
25 from the Pyxis for this patient. There is no indication in the patient's MAR that the medication
26 withdrawn by Respondent was administered to the patient. There is no record of wastage for the
27 medication withdrawn by Respondent. Therefore, 2 mg Ativan (Inj) are unaccounted for.
28

1 b. On November 18, 2009 at 1208 hours, Respondent removed 2 tablets of Xanax
2 .25 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
3 medication withdrawn by Respondent was administered to the patient. There is no record of
4 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Xanax .25 are
5 unaccounted for.

6 c. On November 18, 2009 at 1400 hours, Respondent removed 2 tablets of Norco
7 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
8 medication withdrawn by Respondent was administered to the patient. There is no record of
9 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
10 are unaccounted for.

11 d. On November 18, 2009 at 1401 hours, Respondent removed 2 mg of Morphine
12 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
13 medication withdrawn by Respondent was administered to the patient. There is no record of
14 wastage for the medication withdrawn by Respondent. Therefore, 2 mg of Morphine (Inj) are
15 unaccounted for.

16 e. On November 19, 2009 at 0856 hours, Respondent removed 2 tablets of Norco
17 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
18 medication withdrawn by Respondent was administered to the patient. There is no record of
19 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
20 are unaccounted for.

21 f. On November 19, 2009 at 1034 hours, Respondent removed 2 tablets of Xanax
22 .25 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
23 medication withdrawn by Respondent was administered to the patient. There is no record of
24 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Xanax .25 are
25 unaccounted for.

26 g. On November 19, 2009 at 1034 hours, Respondent removed 2 mg of Morphine
27 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
28 medication withdrawn by Respondent was administered to the patient. There is no record of

1 wastage for the medication withdrawn by Respondent. Therefore, 2 mg of Morphine (Inj) are
2 unaccounted for.

3 f. On November 19, 2009 at 1313 hours, Respondent removed 1 tablet of Ativan
4 2 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
5 medication withdrawn by Respondent was administered to the patient. There is no record of
6 wastage for the medication withdrawn by Respondent. Therefore, 1 tablet of Ativan 2 mg is
7 unaccounted for.

8 31. Patient M

9 a. On November 18, 2009 at 1234 hours, Respondent removed 4 mg of Morphine
10 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
11 medication withdrawn by Respondent was administered to the patient. There is no record of
12 wastage for the medication withdrawn by Respondent. Therefore, 4 mg of Morphine (Inj) are
13 unaccounted for.

14 b. On November 18, 2009 at 1905 hours, Respondent removed 2 tablets of Norco
15 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
16 medication withdrawn by Respondent was administered to the patient. There is no record of
17 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
18 are unaccounted for.

19 c. On November 19, 2009 at 0823 hours, Respondent removed 4 mg of Morphine
20 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
21 medication withdrawn by Respondent was administered to the patient. There is no record of
22 wastage for the medication withdrawn by Respondent. Therefore, 4 mg of Morphine (Inj) are
23 unaccounted for.

24 d. On November 19, 2009 at 1035 hours, Respondent removed 2 tablets of Norco
25 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
26 medication withdrawn by Respondent was administered to the patient. There is no record of
27 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
28 are unaccounted for.

1 e. On November 19, 2009 at 1211 hours, Respondent removed 1 mg of Dilaudid
2 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
3 medication withdrawn by Respondent was administered to the patient. There is no record of
4 wastage for the medication withdrawn by Respondent. Therefore, 1 mg of Dilaudid (Inj) is
5 unaccounted for.

6 32. Patient N:

7 a. On December 2, 2009 at 0759 hours, Respondent removed 2 tablets of Norco
8 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
9 medication withdrawn by Respondent was administered to the patient. There is no record of
10 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
11 are unaccounted for.

12 b. On December 2, 2009 at 1211 hours, Respondent removed 2 tablets of Norco
13 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
14 medication withdrawn by Respondent was administered to the patient. There is no record of
15 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
16 are unaccounted for.

17 c. On December 2, 2009 at 1648 hours, Respondent removed 2 tablets of Norco
18 5/325 mg from the Pyxis for this patient. There is no indication in the patient's MAR that the
19 medication withdrawn by Respondent was administered to the patient. There is no record of
20 wastage for the medication withdrawn by Respondent. Therefore, 2 tablets of Norco 5/325 mg
21 are unaccounted for.

22 33. Patient O:

23 a. On December 2, 2009 at 0932 hours, Respondent removed 4 mg of Morphine
24 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
25 medication withdrawn by Respondent was administered to the patient. There is no record of
26 wastage for the medication withdrawn by Respondent. Therefore, 4 mg of Morphine (Inj) are
27 unaccounted for.
28

1 b. On December 2, 2009 at 1107 hours, Respondent removed 1 mg of Dilaudid
2 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
3 medication withdrawn by Respondent was administered to the patient. There is no record of
4 wastage for the medication withdrawn by Respondent. Therefore, 1 mg of Dilaudid (Inj) is
5 unaccounted for.

6 c. On December 2, 2009 at 1124 hours, Respondent removed 4 mg of Morphine
7 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
8 medication withdrawn by Respondent was administered to the patient. There is no record of
9 wastage for the medication withdrawn by Respondent. Therefore, 4 mg of Morphine (Inj) are
10 unaccounted for.

11 d. On December 2, 2009 at 1404 hours, Respondent removed 1 mg of Dilaudid
12 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
13 medication withdrawn by Respondent was administered to the patient. There is no record of
14 wastage for the medication withdrawn by Respondent. Therefore, 1 mg of Dilaudid (Inj) is
15 unaccounted for.

16 e. On December 2, 2009 at 1507 hours, Respondent removed 2 mg of Ativan (Inj)
17 from the Pyxis for this patient. There is no indication in the patient's MAR that the medication
18 withdrawn by Respondent was administered to the patient. There is no record of wastage for the
19 medication withdrawn by Respondent. Therefore, 2 mg of Ativan (Inj) are unaccounted for.

20 f. On December 2, 2009 at 1855 hours, Respondent removed 2 mg of Morphine
21 (Inj) from the Pyxis for this patient. There is no indication in the patient's MAR that the
22 medication withdrawn by Respondent was administered to the patient. There is no record of
23 wastage for the medication withdrawn by Respondent. Therefore, 2 mg of Morphine (Inj) are
24 unaccounted for.

25 34. The Proactive Diversion Report reflected that between October 20, 2009 and
26 November 19, 2009, Respondent withdrew medication five standard deviations above the mean
27 as compared to her peers. Following the results of the internal investigation, Respondent was
28 interviewed by the RN Manager of 6W Surgical PCU of Sharp Memorial Hospital. During the

1 interview, Respondent denied taking the medication that she failed to account for even though she
2 was not asked if she was taking the drugs. Respondent stated that she forgot to chart and her day
3 was very busy. Respondent was terminated on or about December 9, 2009.

4 35. During Respondent's last month of employment she would fail to show up for work
5 and take naps during her lunch break. Respondent was also observed by co-workers sleeping in
6 empty patient rooms and in the break room. Respondent also informed her co-workers that she
7 was not able to sleep due to migraines. At the time Respondent's employment was terminated,
8 Respondent was on a final warning for attendance issues.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct – Obtain Controlled Substances Unlawfully)**

11 36. Respondent is subject to disciplinary action for unprofessional conduct under section
12 2762(a) in that while employed as a registered nurse at Sharp Memorial Hospital, Respondent
13 unlawfully obtained and possessed controlled substances, as is more particularly set forth in
14 paragraphs 18 through 35 above, which are incorporated herein as though set forth in full.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct-Falsify or Make Grossly Incorrect or Inconsistent Entries)**

17 37. Respondent is subject to disciplinary action for unprofessional conduct under Code
18 section 2762(e) for falsifying or making grossly incorrect, inconsistent and/or unintelligible
19 entries in the hospital records of Sharp Memorial Hospital by withdrawing medication, charging
20 the withdrawal to patients who did not receive the drugs or for whom Respondent did not
21 document administration or wastage of the drug as is more particularly set forth in paragraphs 18
22 through 35 above, which are incorporated herein as though set forth in full.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct – Gross Negligence)**

25 38. Respondent is subject to disciplinary action for unprofessional conduct under section
26 2761(a)(1) of the Code in that during her employment at Sharp Memorial Hospital, Respondent
27 was grossly negligent as evidenced by her repeated failure to provide nursing care as required,
28 specifically as it related to her management of the administration of controlled substances to her

1 assigned patients, as is forth in paragraphs 18 through 35 above, which are incorporated herein as
2 though set forth in full.

3 PRAYER

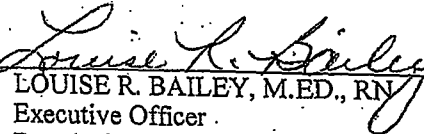
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 530047, issued to Kristy
7 Jean Bennett;

8 2. Ordering Kristy Jean Bennett to pay the Board of Registered Nursing the reasonable
9 costs of the investigation and enforcement of this case, pursuant to Business and Professions
10 Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 3/15/11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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